

---

## STATUTORY INSTRUMENTS

---

# 2004 No. 2095

## The Financial Services (Distance Marketing) Regulations 2004

### Financial services marketed by an intermediary

- 6.—**(1) This regulation applies where a financial service is marketed by an intermediary.
- (2) These Regulations have effect as if—
- (a) each reference to a supplier in the definition of “breach” in regulation 2(1) were a reference to a supplier or an intermediary;
  - (b) the reference to the supplier in the definition of “means of distance communication” in regulation 2(1), each reference to the supplier in regulations 7, 8(1) and (2), 10 and 11(3) (b), and the first reference to the supplier in regulation 8(4), were a reference to the intermediary;
  - (c) the reference to the supplier in regulation 8(3) were a reference to the supplier or the intermediary;
  - (d) for regulation 11(2) there were substituted—
    - “(2) Paragraph (1) does not apply to a distance contract if the intermediary has not complied with regulation 8(1) (and the supplier has not done what the intermediary was required to do by regulation 8(1)), unless—
    - (a) the circumstances fall within regulation 8(1)(b); and
    - (b) either—
      - (i) the intermediary has complied with regulation 7(1) and (2) or, if applicable, regulation 7(4)(b), and with regulation 7(5), or
      - (ii) the supplier has done what the intermediary was required to do by regulation 7(1) and (2) or, if applicable, regulation 7(4)(b), and by regulation 7(5).”;
  - (e) the reference to a supplier in regulation 22(1) were a reference to an intermediary; and
  - (f) each reference to the supplier in paragraphs 2, 4, 5 and 19 of Schedule 1 were a reference to the supplier and the intermediary.
- (3) Notwithstanding paragraphs (2) to (4) of regulation 4, regulations 7 and 8 apply in relation to the intermediary unless—
- (a) the intermediary is an authorised person and the marketing of the financial service constitutes or is part of a regulated activity carried on by him;
  - (b) the intermediary is an appointed representative and the marketing of the financial service constitutes or is part of a regulated activity (other than an exempt regulated activity) carried on by him; or
  - (c) the intermediary is not an authorised person, but—
    - (i) he is bound, or is controlled or managed by one or more persons who are bound, by rules of a designated professional body which are equivalent to regulations 7 and 8, and

**Status:** Point in time view as at 31/10/2004.

**Changes to legislation:** The Financial Services (Distance Marketing) Regulations 2004, Section 6 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

- (ii) the marketing of the financial service constitutes or is part of an exempt regulated activity carried on by him.
- (4) Notwithstanding paragraphs (2) to (4) of regulation 4, regulation 15 applies to the intermediary unless—
  - (a) the intermediary is an authorised person and is acting in the course of a regulated activity carried on by him;
  - (b) the intermediary is an appointed representative and is acting in the course of a regulated activity (other than an exempt regulated activity) carried on by him; or
  - (c) the intermediary is not an authorised person, but—
    - (i) he is bound, or is controlled or managed by one or more persons who are bound, by rules of a designated professional body which are equivalent to regulation 15, and
    - (ii) he is acting in the course an exempt regulated activity carried on by him.

**Status:**

Point in time view as at 31/10/2004.

**Changes to legislation:**

The Financial Services (Distance Marketing) Regulations 2004, Section 6 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.